

3/29/19

2:22 AM.

Chapter No. 433
19/SS26/R116SG
LR / TB/LR

SENATE BILL NO. 2030

Originated in Senate *Liz Welch* Secretary

SENATE BILL NO. 2030

AN ACT TO PROVIDE THAT ANY CANDIDATE FOR A MUNICIPAL, COUNTY OR COUNTY DISTRICT OFFICE SHALL BE A RESIDENT OF THE MUNICIPALITY, COUNTY OR COUNTY DISTRICT THAT HE OR SHE SEEKS TO REPRESENT FOR TWO YEARS IMMEDIATELY PRECEDING THE ELECTION DAY; TO PROVIDE AN EXEMPTION FROM THE RESIDENCY REQUIREMENT FOR CANDIDATES FROM MUNICIPALITIES WITH A CERTAIN POPULATION; TO AMEND SECTIONS 65-1-3 AND 25-31-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY CANDIDATE FOR THE OFFICES OF TRANSPORTATION COMMISSIONER AND DISTRICT ATTORNEY SHALL BE A RESIDENT OF THE STATE DISTRICT THAT HE OR SHE SEEKS TO REPRESENT FOR FIVE YEARS IMMEDIATELY PRECEDING THE ELECTION DAY; TO AMEND SECTION 69-1-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY CANDIDATE FOR THE OFFICE OF COMMISSIONER OF AGRICULTURE AND COMMERCE SHALL BE A RESIDENT OF THE STATE FOR FIVE YEARS IMMEDIATELY PRECEDING THE ELECTION DAY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Any candidate for any municipal, county or county district office shall be a resident of the municipality, county, county district or other territory that he or she seeks to represent in such office for two (2) years immediately preceding the day of election. The provisions of this section shall not apply to any municipality with less than one thousand (1,000) residents according to the latest federal decennial census.

(2) A candidate shall prove in his or her qualifying information that he or she meets the applicable residency requirement or provide absolute proof, subject to no contingencies, that he or she will meet the residency requirement on or before the date of the election at which the candidate could be elected to office. The appropriate election official or executive committee, whichever is applicable, with whom a candidate files qualifying information shall review and determine whether the candidate meets the applicable residency requirement according to the procedures in Section 23-15-299. The appropriate election commission shall review and determine whether a candidate required to file qualifying information with it meets the applicable residency requirement according to the procedures in Section 23-15-359.

(3) If the qualifications for an elected office include a specific residency requirement, the residency requirement in this section shall not apply.

(4) This section shall apply to elections held from and after January 1, 2020.

SECTION 2. Section 65-1-3, Mississippi Code of 1972, is amended as follows:

65-1-3. There shall be a State Highway Commission which shall consist of three (3) members, one (1) from each of the three (3) Supreme Court Districts of the state. Only qualified electors who are citizens of the Supreme Court District in which he or

she * * * seeks election for five (5) years immediately preceding the day of the election shall be eligible for such office; however, the five-year citizen requirement shall apply to elections held from and after January 1, 2020.

On Tuesday after the first Monday in November of the year 1951, and every four (4) years thereafter, State Highway Commissioners shall be elected at the same time and in the same manner as the Governor is chosen; and the laws governing primary elections and the holding of general elections in this state shall apply to and govern the nomination and election of State Highway Commissioners. The State Highway Commissioners so elected shall enter upon the discharge of the duties of their respective offices on the first Monday of January in the year next succeeding the date of their election, and they shall serve for a term of four (4) years and until their successors shall have been duly elected and qualified.

If any one or more of the State Highway Commissioners elected under the provisions of this chapter shall die, resign or be removed from office, the Governor shall fill the vacancy by appointment for the unexpired term, provided such unexpired term shall not exceed twelve (12) months. If such unexpired term shall exceed twelve (12) months, the Governor shall, within fifteen (15) days from the date of such vacancy, by proclamation duly made, call an election in the Supreme Court District in which such vacancy exists, to be held within sixty (60) days from the date of

the issuance of such proclamation, at which election a State Highway Commissioner shall be elected to fill such vacancy for the remaining portion of such unexpired term. Such special election shall be held in the manner provided for holding general elections in this state, as far as practicable.

Each of said State Highway Commissioners, before entering upon the discharge of the duties of his office, shall take and subscribe the oath of office required of other state officials and shall execute bond in the sum of Fifty Thousand Dollars (\$50,000.00), with some surety company authorized to do business in this state as surety, conditioned for the faithful performance of the duties of his office and for the faithful and true accounting of all funds or monies or property coming into his hands by virtue of his office, and conditioned further that all such funds, monies and property will be expended and used by him only for purposes authorized by law, said bond to be approved by the Governor or Attorney General and to be filed in the Office of the Secretary of State. The premium on such bonds shall be paid out of the funds of the Mississippi Department of Transportation.

From and after July 1, 1992, the State Highway Commission shall be the Mississippi Transportation Commission and the members thereof shall be the Mississippi Transportation Commissioners.

SECTION 3. Section 25-31-1, Mississippi Code of 1972, is amended as follows:

25-31-1. (1) The district attorney shall possess all the qualifications of county officers and, in addition thereto, shall be a resident of the district in which he or she seeks election for five (5) years immediately preceding the day of the election, shall be a regular licensed and practicing attorney, and shall have been duly admitted to practice before the Supreme Court of the State of Mississippi for a period of two (2) years.

(2) The residency requirements specified under this section shall apply to elections held from and after January 1, 2020.

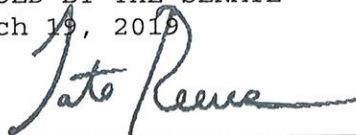
SECTION 4. Section 69-1-1, Mississippi Code of 1972, is amended as follows:

69-1-1. (1) A Department of Agriculture and Commerce is created and established under the management and control of a public officer to be known as the Commissioner of Agriculture and Commerce, who shall have competent knowledge of agriculture, mining, manufacturing, statistics and general industries, must be an experienced and practical agriculturist; must be a resident of the state for five (5) years immediately preceding the day of election; and shall be elected by the people at the time and in the manner that other state officers are elected.

(2) The residency requirements specified under this section shall apply to elections held from and after January 1, 2020.

SECTION 5. This act shall take effect and be in force from
and after July 1, 2019.

PASSED BY THE SENATE
March 19, 2019



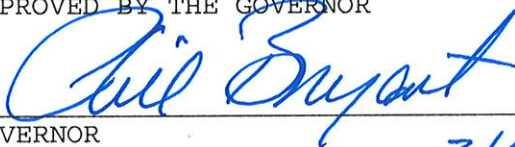
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2019



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

3/29/2019

2:22pm